REMARKS

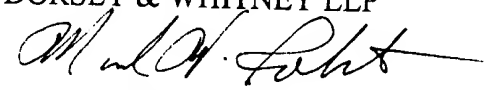
Claims 66-68 and 76-85 are pending in the application. In the Office Action dated May 16, 2002, the Examiner indicated that the reply filed on February 5, 2002, was not fully responsive to the prior Restriction Requirement because while Applicant properly elected a group of inventions and a species of conditions for initial examination, Applicant did not elect a species of (erythropoietin) for claim 66 of the instant application.

Applicant hereby elects an *erythropoietin produced in baby hamster kidney cells* as a species of erythropoietins among those recited in the Makush group of original claim 66, which is the principle independent claim of the group V claims elected for initial examination.

The present amendment modifies claim 66 to recite the elected species from the original Markush group of recited erythropoietins as required by the Examiner. The term "a recombinant" is added to provide antecedent basis for the term "the recombinant" recited in the wherein clause, which term was originally understood as a modifier of the originally recited list of erythropoietins. This amendment is not made for purposes of patentability nor as a limitation to what Applicant regards to be within the scope of the invention, but rather is made solely to comply with the Examiner's requirement that applicant elect a single species of erythropoietins for initial examination. Claims 66-68 and 76-85 are currently under consideration.

Attached hereto is a marked-up version of the changes made to the claims by the current Response to Restriction Requirement. The attached page is captioned "**Version with Markings to Show Changes Made**".

Respectfully submitted,
DORSEY & WHITNEY LLP



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

66. (Amended) A method of treating or preventing an anemic condition in a subject, comprising, administering a therapeutic amount of [an erythropoietin selected from the group consisting of: Epoetin Omega, an] a recombinant erythropoietin produced in baby hamster kidney cells, [an erythropoietin expressed from an Apa I restriction fragment of human genomic erythropoietin DNA, an erythropoietin having a glycosylation pattern characterized by the presence of N-linked glycosylated residues on at least three asparagine residues, an erythropoietin having an O-linked oligosaccharide content of less than 1 mole per mole of glycoprotein, an erythropoetin having one or more isoforms at pI 4.3, or 4.5, or 4.6, and a recombinant erythropoietin that retains substantially all of its *in vitro* biological activity after being subject to N-deglycosylation;] wherein the amount of recombinant erythropoietin is selected to provide a therapeutic benefit within a treatment period, and wherein said subject is non-responsive or adversely effected by treatment with a therapeutic amount of Epoetin Alfa or Beta.